

Docket No.: 1580.1004

Serial No. 10/091,146

REMARKS

In accordance with the foregoing, independent claims 1 and 12 have been amended in a common fashion to more clearly and specifically define the "subject-of-inspection data" in accordance with the present invention. Further, claim 4 has been cancelled. Dependencies of claims 5-8 and 10 and 11 have been changed in view of the cancellation of claims 4 and 9, from which claims 2-8 and claims 10 and 11, respectively, originally dependent.

No new matter is presented and, accordingly, approval and entry of the foregoing claim amendments are respectfully requested.

ITEM 1: REJECTION OF CLAIMS 9 AND 10 UNDER 35 U.S.C. §112

Although not so specified, based on the Examiner's contention that the phrase "the position or a position data" in claims 9 and 10 renders the claim indefinite, it would appear the Examiner intends for this rejection to be based §112, paragraph 2.

The rejection is not understood, since the quoted phrase "the position or a position data" does not appear in either of claims 9 and 10.

Nevertheless, claim 9 has been cancelled but without prejudice since substantially the same limitation as originally recited in claim 9 is now incorporated in claim 1 as well as in claim 12 -- viz., see the portion of the amendatory Insertion reciting "data of a position of inspecting apparatus generating the subject-of-inspection data".

The Examiner has referred to FIG. 2 of the application and the discussion of same at page 5, line 11-page 6, line 5. Note particularly the discussion at page 5, lines 15-17, that:

The GPS apparatus 26 receives radio waves transmitted from a plurality of artificial satellites 21 to acquire position data, and transmits the position data of the camera apparatus 10. The encrypting apparatus 28 receives date/hour data of any of a public standard time signal transmitted from the satellite 20 or standard radio-wave transmitting station 22 and a time signal transmitted through a public telephone line 24, and the position data transmitted from the GPS apparatus 26.

(Emphasis added)

Accordingly, it is submitted that the Examiner errs in contending that "the specification does not provide a clear and precise definition of the term... 'position data'". Furthermore, the Examiner's contention that the term "is not defined by the claim" is an incorrect proposition, since the claim need not "define" a term; instead, the legal requirement is that the specification

Docket No.: 1580.1004

Serial No. 10/091,146

provides a "written description" and that written description affords support for the "terms" when used as recitations of a claim.

It is submitted to have been shown in the foregoing that the common recitations of "position data" in claims 1 and 12 are in compliance with 35 U.S.C. §112, paragraphs (1) and (2).

ITEM 3: REJECTION OF CLAIMS 1-7, 9-10 AND 12 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) OVER FOCKE ET AL. (U.S. PATENT 6,629,397) IN VIEW OF KIHARA ET AL. (U.S. PATENT 6,298,014); AND

ITEM 4: REJECTION OF CLAIMS 8 AND 11 FOR OBVIOUSNESS OVER FOCKE ET AL. AND KIHARA ET AL., AS IN ITEM 3, TAKEN FURTHER IN VIEW OF ROOP ET AL. (U.S. PATENT 5,619,274)

The rejections are respectfully traversed.

In support of the rejection of Item 3, the Examiner asserts as a standard of claim interpretation that:

...the pending claims must be interpreted as broadly as their terms reasonably allow.... The current application is being interpreted as encrypted video signal being transmitted from one geographic location to another via man-made satellite as part of a network, with standard time data included in the signal.

As is apparent, the Examiner's "broad interpretation" improperly omits the "position data"... limitation.

Amended claims 1 and 12, as did claim 9/1 originally, recite that the "subject-of-inspection data..." comprises "data of a position of inspecting apparatus generating the subject-of-inspection data."

None of the references relied upon in the rejections of Items 3 and 4 is cited for teaching subject-of-inspection data which comprises "a position of inspecting apparatus generating the subject-of-inspection data" as specified in each of the independent claims 1 and 12 -- and, it is submitted that none of these references has any such disclosure much less any teaching of the significance of acquiring data as to the position of an inspecting apparatus and including that position data as a part of the "subject-of-inspection data" in accordance with the present invention.

Docket No.: 1580.1004

Serial No. 10/091,146

CONCLUSION

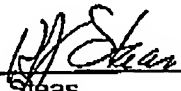
In accordance with the foregoing, it is submitted that the pending claims patentably distinguish over the references of record, taken singularly or in any proper combination and, there being no other objections or rejections, that the application is in condition for allowance, which action is earnestly solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

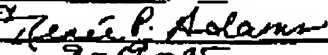
Respectfully submitted,

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